

RJP:cms 06/30/04 5578-58206-01 286850

PATENT

3764
JFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Mark W. Publicover, et al.

Application No. 09/800,273

Filed: March 5, 2001

Confirmation No. 3749

For: TRAMPOLINE OR THE LIKE WITH
ENCLOSURE

Examiner: Jerome W. Donnelly

Art Unit: 3764

Attorney Reference No. 5578-58206-01

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on the date shown below.

Attorney
for Applicant(s)

Date Mailed

[Signature]
June 30, 2004

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
PURSUANT TO 37 C.F.R. § 1.97(b)(3)**

COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

Listed on the accompanying form PTO-1449 and enclosed herewith are several English-language documents. Applicants respectfully request that these documents be considered and listed as references cited on the issued patent.

Applicants are filing this Information Disclosure Statement ("IDS") before the mailing date of a first Office action on the merits. As a result, no fee should be required to file this Information Disclosure Statement. However, if the Patent Office determines that a fee is required for Applicants to file this Information Disclosure Statement, please charge any such fees to Deposit Account No. 02-4550. A **duplicate** copy of this Information Disclosure Statement is enclosed.

The filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited herein is, or is considered to be, prior art or otherwise

material to patentability as defined in 37 C.F.R. §1.56. In particular, because the effective filing date of the present application is before the dates of at least the two litigation documents listed under the heading "OTHER DOCUMENTS," those documents are not printed publication prior art.

The litigation documents relate to *JumpSport, Inc. v. JumpKing, Inc.*, ND Cal, C 01-4986 PJH. These litigation documents may be material because they include arguments regarding the applicability of certain alleged prior art to certain claims of the patents (6,053,845 and 6,261,207) that resulted from the grandparent and parent patent applications. The lawsuit has not been resolved as of this date, so the significance of these documents remains subject to clarification by further court action. And as mentioned above, the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited is, or is considered to be, prior art or otherwise material to patentability as defined in 37 C.F.R. §1.56.

Respectfully submitted,

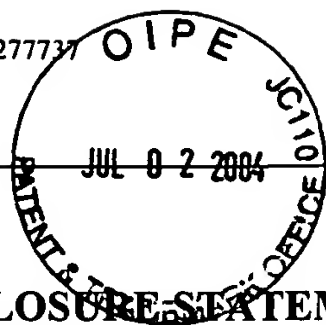
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Attorney Docket Number	5578-58206-01/RJP
Application Number	09/800,273
Filing Date	March 5, 2001
First Named Inventor	Publicover, et al.
Art Unit	3764
Examiner Name	Jerome W. Donnelly

U.S. PATENT DOCUMENTS

NOTE: If this application was filed after June 30, 2003, copies of United States patents and United States published patent applications do not have to be provided to the Patent Office. This requirement of 37 C.F.R. § 1.98(a)(2)(i) has been waived by the United States Patent and Trademark Office pursuant to the Official Gazette Notice on August 5, 2003 (1276 OG 55).

Examiner's Initials*	Cite No. (optional)	Number	Publication Date	Name of Applicant or Patentee
		1,374,333	04/1921	F. W. Stotler, et al.
		5,395,105	04/1995	Thommen

FOREIGN PATENT DOCUMENTS

Examiner's Initials*	Cite No. (optional)	Country	Number	Publication Date	Name of Applicant or Patentee
		Japan	JP8047550	02/1996	Masasato Ikegami

OTHER DOCUMENTS

Examiner's Initials*	Cite No. (optional)	
		<i>Hedstrom Indoor/Outdoor Ball Pits</i> ® 1995
		Photograph of Hedstrom Ball Pit
		Defendants Jumpking, Inc., Icon Health and Fitness, Inc., Sam's West, Inc., Sam's East, Inc., Wal-Mart Stores, Inc. and Global Sports, Inc. Final Invalidation Contentions and 35 U.S.C. § 282 Notice of Invalidation Defenses, September 9, 2003.
		Defendants Hedstrom Corporation, Alticor, Inc., Hammacher, Schlemmer & Co., Inc., Wal-Mart Stores, Inc., Sam's West, Inc., and Sam's East, Inc.'s Final Invalidation Contentions and 35 U.S.C. §282 Notice of Invalidation Defenses, September 9, 2003.

EXAMINER
SIGNATURE:

DATE
CONSIDERED:

* Examiner: Initial if reference considered, whether or not in conformance with MPEP 609. Draw line through cite if not in conformance and not considered. Include copy of this form with next communication to applicant.